

### REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-15 are pending in the application. Non-elected claims 16-20 have been cancelled. Claims 6-15 are labeled as “withdrawn” but should be considered upon withdrawal of the Restriction Requirement between Invention I (claims 1-5) and II (claims 6-15). Claim 1 has been amended to include the original limitation “progressively” to whereby overcome the Examiner’s 35 *U.S.C. 112, first paragraph* rejection. Claims 4-5 have been amended to avoid indefiniteness issues without otherwise touching the merits. Claims 21-28 have been added to provide Applicants with the scope of protection to which they are believed entitled. Newly added claims 21-28 depend from elected claim 1 and are readable on elected Invention I.

The specification and Abstract have been amended, FIG. 1 has been amended, and new FIGs. 5-6 have been added to overcome the Examiner’s objections to the disclosure and drawings.

No new matter has been introduced through the foregoing amendments.

The finality of the August 23, 2004 Office Action should be withdrawn for the reason advanced at point 8 of the concurrently filed Petition.

The Examiner’s decision to make the Restriction Requirement final is subject to reconsideration for the reasons advanced at points 4-7 of the concurrently filed Petition under 37 *CFR 1.144*.

The Examiner’s denial of entry of the claim amendments filed January 23, 2004 for failing to comply with 37 *CFR 1.121* is noted. However, it appears that the claim amendments submitted May 19, 2004 have been entered, as reflected in the Examiner’s claim rejections in paragraphs 10-13 of the Final Office Action. Applicant will proceed accordingly.

The Examiner's disapproval of the drawing amendments filed January 23, 2004 is noted. Amended FIG. 1 and new, corrected FIGs. 5-6 are resubmitted herewith. For the Examiner's information, FIG. 1 has been amended exactly as in the January 23, 2004 Amendment, new FIG. 5 now include equally thick boundary lines, and FIG. 6 now additionally shows the higher density of the second sub-panel. The drawing objections manifested in paragraphs 6-7 of the Final Office Action are believed overcome in view of resubmitted amended and new drawings.

The specification has been revised in the manner kindly suggested by the Examiner in paragraph 8, point 1), of the Final Office Action.

The objection to the disclosure as manifested in paragraph 8, point 2), of the Final Office Action, is not understood and therefore traversed. Clarification is respectfully requested.

The objection to the disclosure as manifested in paragraph 9 of the Final Office Action is believed overcome in view of the amendments made to the specification, claims and Abstract, i.e., the wording "progressively" has been reinstated throughout the application.

The 35 U.S.C. 112, *first paragraph* rejection of claims 1-5 for failing to comply with the written description requirement is believed overcome in view of the above claim amendments, i.e., the wording "progressively" has been added to independent claim 1.

The 35 U.S.C. 112, *second paragraph* rejection of claim 5 is believed overcome in view of the amendment made to this claim. Claim 4 has been amended in a similar fashion to avoid a potential indefiniteness issue.

The modified 35 U.S.C. 103(a) rejection of claims 1-5 as being obvious over *Harwood* in view of *Hshieh* and *Chen* is noted. Basically, the Examiner alleged that *Harwood* teaches all insulating materials of rejected claims 1, 2, 4 and 5 except (1) a backsheet and compressive restoring elasticity and (2) the density of the second sub-panel is greater than that of the first sub-

panel. The Examiner relied on *Hshieh* for the former and *Chen* for the latter.

Applicant respectfully traverses the Examiner's rejection because, contrary to the Examiner's allegation, *Harwood* fails to further teach or suggest the following limitations of independent claim 1:

- a substantially flat portion spaced from said second fibrous assembly sub-panel. According to the Examiner, *Harwood* teaches the claimed flat portion at 16, protuberances at 32, wall portions at 40, and second sub-panel at 18. See page 8, lines 8-9 of the Final Office Action. As can be seen in FIG. 2 of *Harwood*, the Examiner's "flat portion" 16 is not spaced from second sub-panel 18; they are in contact with each other.
- said first fibrous assembly sub-panel having a fiber density increasing toward said second fibrous assembly sub-panel. According to the Examiner, *Harwood* teaches a lower density region at 40 or 42 and a higher density region at 34. See page 8, lines 14-15 of the Final Office Action. As can be seen in FIG. 2 of *Harwood*, the fiber density of the first sub-panel does not increase (from 40 or 42 toward 34) toward the second sub-panel 18; the density increases along the boundary between first (16) and second sub-panels (18).

The 35 U.S.C. 103(a) rejection of claims 1-5 is thus improper and should be withdrawn.

New claims 21-28 depend from claim 1, and are considered patentable at least for the reason advanced with respect to claim 1. Claims 21-28 are also patentable on their own merits since these claims recite other features of the invention neither disclosed, taught nor suggested by the applied art.

For example, as to claim 21, the applied art of record clearly fails to disclose, teach or

suggest that the second dimension, which is the spacing between the walls portions and the second sub-panel, is **smaller** than the first dimension, which is the spacing between the flat portions and the second sub-panel. As can be seen in FIG. 2 of *Harwood*, the “wall portions” 40 is spaced from the second sub-panel 18 by a distance greater than a spacing (zero) between the “flat portions” 16 and the second sub-panel 18.

As to claim 22, the applied art of record clearly fails to disclose, teach or suggest that the first fibrous assembly sub-panel has opposite sides one of which is adjacent the topsheet and **flat throughout an entire area thereof**. In *Harwood*, well-like structures 32 render the surface adjacent the topsheet non-planar. See Fig. 3 of *Harwood*.

As to claim 23, the applied art of record clearly fails to disclose, teach or suggest that an entire thickness of said first fibrous assembly sub-panel in the flat portion is **less** than in the protuberant portions. In *Harwood*, an entire thickness of the first fibrous assembly sub-panel in the “flat portion” 16 is (about 3-4 times) greater than in the protuberant portions 34. See Fig. 2 of *Harwood*.

As to claim 24, the applied art of record clearly fails to disclose, teach or suggest that **the fiber density of said protuberant portions is higher than that of said flat portion and lower than the fiber density of said second fibrous assembly sub-panel**.

As to claim 25, the applied art of record clearly fails to disclose, teach or suggest that **the fiber density of said wall portions is higher than that of said flat portion and lower than the fiber density of said second fibrous assembly sub-panel**.

As to claim 26, the applied art of record clearly fails to disclose, teach or suggest that the opposite side of said first sub-panel includes a plurality of **flat areas each being completely surrounded by a number of said protuberant portions and said wall portions**. See Fig. 5 of the instant application and Fig. 4 of *Harwood*.

As to claim 27, the applied art of record clearly fails to disclose, teach or suggest that said second fibrous assembly sub-panel contacts said first fibrous assembly sub-panel **only at lower ends of said protuberant portions**. See page 18, lines 1-5 of the specification, and interface 42 in Fig. 2 of *Harwood*.

As to claim 28, the applied art of record clearly fails to disclose, teach or suggest that the fiber density of said first fibrous assembly sub-panel **increases in a thickness direction** of said panel toward said second fibrous assembly sub-panel. See FIG. 2 of *Harwood*.

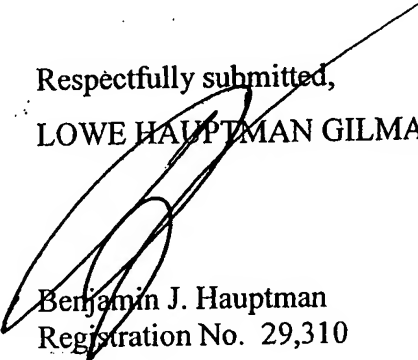
Accordingly, all claims in the present application are now believed in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN GILMAN & BERNER, LLP



Benjamin J. Hauptman  
Registration No. 29,310

*USPTO Customer No. 22429*  
1700 Diagonal Road, Suite 310  
Alexandria, VA 22314  
(703) 684-1111 BJH/KL/klb  
(703) 518-5499 Facsimile  
**Date: November 23, 2004**

**AMENDMENTS TO THE DRAWINGS:**

The attached replacement sheet of drawing includes changes to Fig. 1. The replacement sheet, which includes Fig. 1, replaces the original sheet including Fig. 1.

In Fig. 1, section lines "A-A" and "B-B" have been changed to -- III-III -- and -- IV-IV --, respectively. Annotated Sheet Showing Changes made to Fig. 1 has been submitted with the Amendment dated January 23, 2004 and is incorporated herein by reference.

Please enter new Figs. 5 and 6.

**Attachment:**

- Replacement Figure 1
- New Figures 5 and 6